

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 828

Introduced by Assembly Member Cohn

February 18, 2005

An act to amend Section 66025.3 of the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 828, as amended, Cohn. Public postsecondary education: tuition and fee waiver for military veterans.

Existing law prohibits any ~~state-owned college, university, community college, or other school~~ *campus of the University of California, the California State University, or the California Community Colleges* from charging any tuition or fees to certain resident dependents or survivors of veterans, including any child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of service-connected disability, where the annual income of the child, including the value of any support received from a parent, does not exceed the national poverty level, or from charging any undergraduate student who is a recipient of a Congressional Medal of Honor, or any undergraduate student who is a child of a recipient of a Congressional Medal of Honor and who is no more than 27 years old. *These provisions apply to the University of California only to the extent that the Regents of the University of California act, by resolution, to make them applicable.*

This bill would further provide that any person who is honorably serving in, or has been honorably discharged from, the armed forces of the United States, *and any person who is a member of the*

California National Guard, the State Military Reserve, or the Naval Militia, and who is, or previously has been, called to active service, as defined, would not be subject to tuition or fees at any campus of the University of California, the California State University, or the California Community Colleges if he or she is a California resident, as defined. These Pursuant to existing law, these provisions would only apply to the University of California to the extent that the regents make them applicable by resolution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66025.3 of the Education Code is
2 amended to read:
3 66025.3. (a) No campus of the University of California, the
4 California State University, or the California Community
5 Colleges shall charge any mandatory systemwide tuition or fees,
6 including enrollment fees, registration fees, differential fees, or
7 incidental fees, to any of the following:
8 (1) Any dependent eligible to receive assistance under Article
9 2 (commencing with Section 890) of Chapter 4 of Division 4 of
10 the Military and Veterans Code.
11 (2) (A) Any child of any veteran of the United States military
12 who has a service-connected disability, has been killed in service,
13 or has died of a service-connected disability, where the annual
14 income of the child, including the value of any support received
15 from a parent, does not exceed the national poverty level as
16 defined in subdivision (c).
17 (B) The Department of Veterans Affairs may determine the
18 eligibility for fee waivers for a child described in subparagraph
19 (A).
20 (3) Any dependent, or surviving spouse who has not
21 remarried, of any member of the California National Guard who,
22 in the line of duty, and while in the active service of the state,
23 was killed, died of a disability resulting from an event that
24 occurred while in the active service of the state, or is
25 permanently disabled as a result of an event that occurred while
26 in the active service of the state. For the purposes of this
27 paragraph, "active service of the state" refers to a member of the

1 California National Guard activated pursuant to Section 146 of
2 the Military and Veterans Code.

3 (4) (A) Any undergraduate student who is a recipient of a
4 Medal of Honor, commonly known as a Congressional Medal of
5 Honor, or any undergraduate student who is a child of a recipient
6 of a Medal of Honor and who is no more than 27 years old, if
7 both of the following requirements are met:

8 (i) His or her annual income, including the value of any
9 support received from a parent, does not exceed the national
10 poverty level as defined in subdivision (c).

11 (ii) The recipient of the Medal of Honor who is or was the
12 parent of the undergraduate student is, or at the time of his or her
13 death was, a California resident as determined pursuant to
14 Chapter 1 (commencing with Section 68000) of Part 41.

15 (B) The Department of Veterans Affairs shall determine the
16 eligibility of any applicant for a fee waiver under this paragraph.

17 (5) Any person who is honorably serving in, or has been
18 honorably discharged from, the armed services of the United
19 States. *The Department of Veterans Affairs shall determine*
20 *whether an individual meets the requirements of this paragraph.*

21 (6) *Any person who is a member of the California National*
22 *Guard, the State Military Reserve, or the Naval Militia, and who*
23 *is, or who has previously been, called to active service within the*
24 *meaning of Section 146 of the Military and Veterans Code.* The
25 Military Department shall determine whether an individual meets
26 the requirements of this paragraph.

27 (b) A person who is eligible for a waiver of tuition or fees
28 under this section may receive a waiver for each academic year
29 during which he or she applies for that waiver, but an eligible
30 person may not receive a waiver of tuition or fees for a prior
31 academic year.

32 (c) As used in this section, the “national poverty level” is the
33 poverty threshold for one person, as most recently calculated by
34 the Bureau of the Census of the United States Department of
35 Commerce.

36 (d) The waiver of tuition or fees under this section shall apply
37 only to a person who is determined to be a resident of California
38 pursuant to Chapter 1 (commencing with Section 68000) of Part
39 41.

1 (e) This section shall not apply to a dependent of a veteran
2 within the meaning of paragraph (4) of subdivision (a) of Section
3 890 of the Military and Veterans Code.

4 (f) No provision of this section shall apply to the University of
5 California except to the extent that the Regents of the University
6 of California, by appropriate resolution, make that provision
7 applicable.